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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,135	02/20/2004	Bird D. Blitch	BS12	5378
6980 7590 04/28/2009 TROUTMAN SANDERS LLP BANK OF AMERICA PLAZA 600 PEACHTREE STREET, N.E. SUITE 5200 ATLANTA, GA 30308-2216				
EXAMINER				
IWARE, OLUSEYE				
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3687				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/784,135

Applicant(s)

BLITCH ET AL.

Examiner

OLUSEYE IWARERE

Art Unit

3687

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-13 and 15-40 is/are pending in the application.
- 4a) Of the above claim(s) 2,4 and 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-13 and 15-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02/20/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is in response to the correspondence sent on January 30, 2009. Amendments to the claims have been entered. Claims 2, 4 and 14 have been cancelled. New claim 40 has been entered. Claims 1, 3 – 13, and 15 – 40, are currently pending and have been considered below.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 30, 2009 has been entered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 5 – 10, 12, 13, 12 – 21, 23 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gabbita (6,937,993) in view of Fisher (7,340,422).

As per claims 1 and 13, Gabbita discloses a data processing system and method for managing telecommunications resources of an organization comprising:

a telecommunications inventory tracking unit adapted to maintain resource data representative of a plurality of telecommunications resources associated with one or more telecommunications users within the organization (abstract discusses and fig. 1B depicts a tracking unit);

a service modification unit in communication with the telecommunications inventory tracking unit and the service modification unit configured to modify the resource data based on modifications to telecommunications services (abstract discusses and fig. 1B, 128 depicts a service modification unit);

a bill processing unit adapted to maintain billing data associated with each of said plurality of resources (fig. 1B depicts a billing processing unit); and

a processing unit adapted to reconcile the billing data and telecommunications resource data, the processing unit is configured to confirm that billing data corresponds to inventory data (fig. 1B depicts a processing unit.).

However, Gabbita fails to explicitly disclose a contract management unit adapted to maintain contract data for one or more resource contracts, wherein said contract data

includes telecommunications provider rates anti wherein each resource contract is associated with one or more of said plurality of telecommunications resources.

Fisher teaches systems and method for managing and processing of telecommunications invoices with the feature of a contract management unit adapted to maintain contract data for one or more resource contracts, wherein said contract data includes telecommunications provider rates anti wherein each resource contract is associated with one or more of said plurality of telecommunications resources (Table 2);

From this teaching of Fisher, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system and method of Gabbita to include the contract management unit, taught by Fisher in order to enforce charges.

See “Adapted to” language paragraph below.

As per claims 3 and 15, Gabbita discloses, the service modification unit adapted to initiate orders for new resources and to update the inventory tracking unit with new resource data representative of the new resource (col. 14, lines 9 – 15 discuss new orders).

As per claim 16, Gabbita discloses, wherein the inventory modification unit is adapted to modify inventory data for each of said plurality of resources ([abstract] discusses modifying inventory).

As per claims 5 and 17, Gabbita discloses the claimed invention but fails to explicitly disclose wherein the service ordering unit is adapted to automatically update inventory data when new resources are ordered

Fisher teaches Systems and method for managing and processing of telecommunications invoices wherein the service ordering unit is adapted to automatically update inventory data when new resources are ordered (col. 2, lines 30 - 48 discusses periodically updating).

From this teaching of Fisher, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Gabbita to include the updating of inventory data taught by Gabbita in order to properly manage the system.

As per claims 6 and 18, Gabbita discloses the claimed invention but fails to explicitly disclose, wherein the service ordering unit is adapted to automatically update inventory data when existing resources are cancelled

Fisher teaches Systems and method for managing and processing of telecommunications invoices wherein the service ordering unit is adapted to automatically update inventory data when existing resources are cancelled (col. 2, lines 30 - 48 discusses periodically updating).

From this teaching of Fisher, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Gabbita to include

the updating of inventory data taught by Gabbita in order to properly manage the system.

As per claims 7 and 19, Gabbita fails to explicitly disclose, wherein the processing unit is adapted to identify billing discrepancies between the billing data and the contract data and to flag said billing discrepancies for the organization.

Fisher teaches Systems and method for managing and processing of telecommunications invoices wherein the processing unit is adapted to identify billing discrepancies between the billing data and the contract data and flags said billing discrepancies for the organization (col. 1, lines 56 – 67 discusses errors in invoices).

From this teaching of Fisher, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Gabbita to include the identification of billing discrepancies taught by Gabbita in order to properly manage the system.

As per claim 8, Gabbita discloses a reporting unit adapted to generate reports wherein such reports detail the telecommunications services of telecommunications users within the organization ([abstract] discusses reporting of telecommunications services).

As per claims 9 and 20, Gabbita discloses the claimed invention but fails to explicitly disclose wherein the reporting unit is adapted to generate billing disputes based at least on data from the inventory tracking unit.

Fisher teaches Systems and method for managing and processing of telecommunications invoices wherein the reporting unit is adapted to generate billing disputes based at least on data from the inventory tracking unit (col. 1, lines 56 – 67 discusses errors in invoices).

From this teaching of Fisher, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the tracking and electronic signaling system of Gabbita to include the generating of billing disputes, taught by Friedman, in order to provide a means of troubleshooting.

As per claims 10 and 21, Gabbita discloses, wherein the reporting unit is adapted to generate reports representative of bills approved for payment based at least on data from the inventory tracking unit (col. 8, lines 50 - 65 discusses a message for the approval of service orders).

As per claims 12 and 23, Gabbita discloses, wherein the processing unit is further adapted to compare the billing data, contract data, and inventory data to confirm that the billing data corresponds to current inventory data and contract data ([abstract] discusses obtaining data and confirming).

As per claim 40, the service modification unit configured to associate at least a portion of the resource data with a telecommunications user, and to modify the resource data associated with the telecommunications user based on service modifications associated with the telecommunications user (fig. 1B and col. 5, lines 60 – 65 discuss allocating resources).

5. Claims 11, 22, 24, 25, 34-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gabbita (6,937,993) in view of Friedman (2002/0082991).

As per claims 11 and 22, Gabbita discloses the claimed invention but fails to explicitly further disclose:

a trouble ticket unit adapted to resolve problems associated with resources and to store historical analytical data.

Friedman teaches a telecommunications cost management system, a trouble ticket unit adapted to resolve problems associated with resources ([0080] Drill down isolates BAN's where problems may exist as indicated by excessive variance) and to store historical analytical data ([0085] History 302 provides historical dispute information tracking back on a month by month basis).

From this teaching of Friedman, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the tracking and electronic signaling system of Gabbita to include the resolving of problems associated with

resources and storing historical data, taught by Friedman, in order to provide a reference of troubleshooting.

As per claim 24, Gabbita discloses the claimed invention but fails to explicitly further disclose, comprising automatically canceling resources associated with a user when said user leaves the organization.

Friedman teaches a telecommunications cost management system, comprising automatically canceling resources associated with a user when said user leaves the organization ([0042] Similarly, if the circuit, pager, cell phone, or other telecom service was provisioned specifically for an employee of the customer who is no longer actively employed by the company, the item is flagged for deprovision).

From this teaching of Friedman, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the tracking and electronic signaling system of Gabbita to include the step of cancelling resources, taught by Friedman, in order to provide a current account.

As per claim 25, the combination of Gabbita and Friedman discloses the claimed invention except that it discloses comprising automatically cancelling resources associated with a user when said user leaves the organization ([0042] Similarly, if the circuit, pager, cell phone, or other telecom service was provisioned specifically for an employee of the customer who is no longer actively employed by the company, the item

is flagged for deprovision) instead of comprising the step of adding resources associated with an employee when the employee joins the organization.

From this teaching of the combination of Gabbita and Friedman, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include adding resources associated with an employee when the employee joins the organization because it inherently exists. In order to have the step of canceling resources associated with an employee when the employee leaves the organization, they must have been added to begin with.

As per claims 34 and 36, the combination of Gabbita and Friedman discloses the claimed invention except that it discloses wherein the inventory modification unit is adapted to modify telecommunications inventory data when one or more of the one or more telecommunications users leaves the organization ([0042] Similarly, if the circuit, pager, cell phone, or other telecom service was provisioned specifically for an employee of the customer who is no longer actively employed by the company, the item is flagged for deprovision) instead of modifying telecommunications inventory data when one or more of the one or more telecommunications users joins the organization.

From this teaching of the combination of Gabbita and Friedman, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the step of modifying telecommunications inventory data when one or more of the one or more telecommunications users joins the organization, because it inherently exists. In order to have the step of modifying telecommunications inventory data when

the one or more telecommunications users leave the organization, they must have joined to begin with.

As per claims 35 and 37, Gabbita discloses the claimed invention but fails to explicitly further disclose, wherein the inventory modification unit is adapted to modify telecommunications inventory data when one or more of the one or more telecommunications users leaves the organization.

Friedman teaches a telecommunications cost management system, wherein the inventory modification unit is adapted to modify telecommunications inventory data when one or more of the one or more telecommunications users leaves the organization ([0042] Similarly, if the circuit, pager, cell phone, or other telecom service was provisioned specifically for an employee of the customer who is no longer actively employed by the company, the item is flagged for deprovision).

From this teaching of Friedman, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the tracking and electronic signaling system of Gabbita to include the step of modify telecommunications inventory data when one or more of the one or more telecommunications users leaves the organization, taught by Friedman, in order to provide a current account.

As per claims 38 and 39, Gabbita discloses, wherein the inventory tracking unit is further adapted to maintain inventory data for a plurality of telecommunications

resources associated with one or more locations of the organization, and wherein the inventory modification unit is further adapted to modify telecommunications inventory data when one or more locations of the organization changes ([abstract] discusses multiple resources).

6. Claims 26 – 28 and 30 – 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gabbita (6,418,416) in view of Fisher (7,340,422) further in view of Examiner's Official Notice.

As per claims 26 – 28 and 30 – 33, the combination of Gabbita and Fisher disclose the claimed invention but fail to explicitly disclose,

wherein the telecommunications provider rate is defined in rates per minute;
wherein the telecommunications provider rate is defined in rates per bandwidth;
wherein the telecommunications provider rate is defined in rates per speed;
wherein the telecommunications provider rate is defined in rates per mileage;

However, The Examiner takes Official Notice that it is old and well known in the art of telecommunications billing to charge rates based on intervals such as time, bandwidth, speed and mileage. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Gabbita and Friedman to include the provide rates per minute, bandwidth, speed and mileage, in order to provide criteria for billing.

7. “Adapted to” Language

The subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. The following are examples of language that may raise a question as to the limiting effect of the language in a claim:

- (A) statements of intended use or field of use,
- (B) “adapted to” or “adapted for” clauses,
- (C) “wherein” clauses, or
- (D) “whereby” clauses.

See MPEP 2106 II (C)

Response to Arguments

8. Applicant's arguments with respect to claims 1 – 40 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUSEYE IWARERE whose telephone number is (571)270-5112. The examiner can normally be reached on M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Gart can be reached on (571)272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew S Gart/
Supervisory Patent Examiner, Art
Unit 3687

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